c.f. 1082

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

WRIT PETITION NO.312/ 2004

PETITIONER : 1) Shyam Sunder Agrawal, S/o. Late N.L.agrawal, Aged about 62 yrs., R/o Tilda- Neora, Tah- Tilda District, Raipur (C.G.)

P.R. No. 3/1/04
Presented by Shri S.C. Verma
Dated 8-9-04

VERSUS

RESPONDENTS :

1) The State of Chhattisgarh, Through the secretary, General administrative department, D.K.S Bhawan Raipur, (C.G.)
2) The Collector, Raipur, Raipur (C.G.)
3) The Tahsildar Tilda, Tah- Tilda, District- Raipur (C.G.)
4) The Municiple counsil Tilda, through the C.M.O Municiple counsil Tilda, Tah- Tilda, dist- Raipur,C.G

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Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA FOR GRANT OF WRIT IN NATURE OF MANDAMUS OR CERCIORARI OR ANY OTHER WRITS OR DIRECTIONS OR ANY OTHER REMADY OF THE LIKE NATAURE

(17)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 3121/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	30-9-2004	

Shri S. C. Verma, counsel for the petitioner.

Shri N.K. Agrawal, Dy.Advocate General for respondents 1 to 3.

Shri Prateek Sinha, counsel for respondent No.4.

The petitioner has preferred this petition under Article 226/227 of the Constitution of India challenging the action of respondent No.1 for not affording the opportunity of hearing to the petitioner and considering his objections.

It appears that some exercise is being undertaken by the State Government to reconstitute the wards of Municipal Council, Tilda under Section 29 of the Chhattisgarh Municipal Act, 1961. Accordingly, vide notification dated 5-6-2004 objections of the residents of Municipal Area, Tilda were invited within seven days as the Government decided to divide the Municipal Council, Tilda in 18 wards. Presently, the petitioner is the voter of ward No.8. In response to the said notice he submitted the objections and requested that his house and some other persons' house be included in the ward No.7. It seems that ward No.8 is reserved, whereas, ward No.7 is unreserved.

The case of the petitioner is that after considering his objections, the Collector forwarded his opinion to the State Government favourable to the petitioner. The grievance of the

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 3121/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner is that his request is not being considered by the Government in accordance with law.

Learned counsel for the petitioner submitted that so far no notification has been issued.

Therefore, in my opinion, the petition is still immature.

At this stage, learned counsel for the petitioner submitted that the petitioner may be allowed to make a representation to the State Government and the State Government be directed to consider his representation. As per rule 8 of Madhya Pradesh Municipalities (Extent of Wards) Rules, 1994 the State Government is authorized to issue notification regarding constitution of wards after considering the objections and suggestions.

In the circumstances, the petitioner is allowed to make a representation at the earliest but not later than one week before the State Government and the State Government after considering such objections and suggestions of the petitioner as well as other public will pass appropriate order and issue notification in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

6/10